

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1
Land:	Kosovo
Kilde:	Freedom House
Titel:	"Freedom in the world 2007"
Udgivet:	1. juni 2007
Optaget på baggrundsmaterialet:	4. februar 2008



Freedom in the World - Kosovo [Serbia] (2007)

Population:
2,000,000

Capital:
N/A

Political Rights Score: 6
Civil Liberties Score: 5
Status: Not Free

Overview

Negotiations between the Serbian government and ethnic Albanian leaders in the UN-administered Serbian province of Kosovo began in February 2006. However, by year's end it was clear that the negotiations had essentially failed, which opened up the possibility that the UN Security Council would have to impose a solution on the two sides. Within Kosovo, little progress was made on improving human rights and political and civil liberties for non-Albanian ethnic communities, and violent attacks on non-Albanians continued on a regular basis. Meanwhile, Kosovo experienced a shuffle in its local leadership. President Ibrahim Rugova died in January 2006, and Fatmir Sejdiu, a member of his party, was elected to the post in February. Prime Minister Bajram Kosumi was replaced by former rebel leader Agim Ceku in March.

Kosovo, currently a Serbian province administered by the United Nations, was contested by ethnic Albanians (who, in Kosovo, are predominantly Muslim) and Serbs (primarily Orthodox Christians) throughout the twentieth century. After the death of Yugoslav dictator Josip Broz Tito in 1980, ethnic Albanians in Kosovo began protesting in favor of obtaining republic status within the former Yugoslavia, and in some cases outright independence from Yugoslavia. Tensions increased after Serbian strongman Slobodan Milosevic came to power and revoked much of Kosovo's autonomy within Serbia in the late 1980s and early 1990s. For most of the 1990s, an uneasy status quo held between the Serbian government and the Kosovo Albanians, who, under their long-time leader Ibrahim Rugova, developed an entirely parallel society in Kosovo, complete with quasi-governmental institutions, hospitals, and school systems. Meanwhile, all but Serbia and Montenegro had broken away from the old Yugoslav federation in a bloody 1991–1995 ethnic conflict.

In late 1997, an ethnic Albanian guerrilla movement called the Kosovo Liberation Army (KLA) began a series of attacks against Serbs in the province, as well as against fellow Albanians deemed to be collaborating with the Serbian government. Serbian government forces responded to the growing insurgency with disproportionate force, and after two rounds of internationally-sponsored negotiations in February–March 1999 failed to bring an end to the increasing violence in the province, NATO launched a 78-day bombing campaign in March 1999 aimed at forcing the rump Federal Republic of Yugoslavia (FRY) to relinquish control over the province. During the war, Yugoslav military forces and paramilitary gangs forcibly expelled hundreds of thousands of ethnic Albanians. Under the terms of UN Security Council Resolution (UNSCR) 1244 of June 1999, a NATO-led peacekeeping force (KFOR) assumed responsibility for security in

Kosovo. The resolution effectively turned Kosovo into a protectorate of the international community, while officially recognizing continued FRY sovereignty over the province.

Since international forces moved into Kosovo in mid-1999, tens of thousands of non-Albanians have been forced to flee the province, and Albanians currently comprise about 90 percent of the population. A Serb population is concentrated in a small piece of territory north of the Ibar River, and smaller Serb enclaves are scattered throughout the rest of Kosovo in virtual ethnic ghettos. In March 2004, two days of violent riots by Albanian mobs aimed at non-Albanian ethnic groups across Kosovo left 20 dead, 800 homes and 30 churches destroyed, and more than 4,000 Serbs and other non-Albanians homeless. Kofi Annan, then the UN secretary-general, called the events "an organized, widespread, and targeted campaign," and Human Rights Watch reported that international organizations had "failed catastrophically in their mandate to protect minority communities during the March 2004 violence." On a visit to a Serb enclave in the aftermath of the riots, Søren Jessen-Petersen, who took over as head of the UN Interim Administration Mission in Kosovo (UNMIK) in June 2004, publicly decried the fact that in twenty-first-century Europe, human beings were forced to live in ghettos enclosed by barbed wire. Extremist violence, motivated by both politics and criminal activities, has affected other non-Albanian minorities in the province, such as the Gorani, Bosniaks, and Roma, as well as Albanians in some instances.

Elections for the Kosovo Parliament in October 2004 were marred by a Serb boycott, with 99 percent of Serbs registered to vote in Kosovo declining to cast a ballot. The elections reconfirmed the basic postwar balance of Kosovo Albanian politics, as Rugova's Democratic League of Kosovo (LDK) maintained its position as the leading political party, followed by former KLA political leader Hashim Thaci's Democratic Party of Kosovo (PDK) and former KLA commander Ramush Haradinaj's Alliance for the Future of Kosovo (AAK). A week after the elections, in which 53 percent of Kosovo's eligible voters participated, Kosovo's Central Election Commission called for a recount of all the ballots in response to numerous complaints. Kosovo's current government is led by an LDK-AAK coalition.

The March 2004 violence and the failure of the Serb community to participate in the parliamentary elections created new uncertainties about Kosovo's future. During the course of 2004–2005, fears that extremists would begin attacking international forces in Kosovo led UNMIK to abandon its "standards before status" policy, under which Kosovo's future status would be determined only after its political leadership and society as a whole had achieved certain standards regarding human rights and political and civil liberties, particularly in the areas of democratization, rule of law, respect for minority rights, and respect for the security of neighboring states. After the March 2004 violence, the new policy officially became "status *with* standards," but it was soon clear that the international community had decided to proceed with determining Kosovo's final status regardless of the human rights situation.

Haradinaj, then Kosovo's prime minister, was indicted for war crimes by the International Criminal Tribunal for the former Yugoslavia in March 2005, and he resigned to contest the charges. He was replaced as prime minister by Bajram Kosumi. Rugova, Kosovo's president since 2002, died in January 2006, paving the way for a power struggle among a number of younger politicians claiming Rugova's mantle as the preeminent leader of the Kosovo Albanian population. Fatmir Sejdiu,

a member of Rugova's LDK, was elected president in February with an 80–12 vote in the Kosovo Assembly. In March, Kosumi's poor performance as prime minister led to his removal and replacement by Agim Ceku, the former military leader of the KLA. Many Serb residents of Kosovo suspected Ceku of being responsible for war crimes, and his appointment did little to bridge the tremendous divide between the two ethnic communities. Meanwhile, a new Special Representative of the UN secretary-general, Joachim Rucker, assumed the post in September 2006.

Non-Albanian ethnic communities in Kosovo continued to face frequent acts of violence. In August 2006, a grenade was thrown into a café in the Serb section of Mitrovica, injuring nine people. A few weeks later in September, a bomb exploded in a Serb home in Klina, injuring four members of one family. Albanians themselves are frequently the victims of such attacks. In September, a bomb attack damaged the car of Kosovo's internal affairs minister.

Negotiations between Belgrade and Kosovo authorities over the province's future status, mediated by international officials, began in Vienna in February 2006. Meetings were held on decentralization, community rights, religious and cultural heritage, and economic issues, while working groups on returns, energy, transport and communications, and missing persons met formally and informally. Although several months of negotiations resulted in virtually no progress in bringing the two sides closer together, they did clarify the two parties' negotiating positions on certain technical issues. Throughout the year, Belgrade insisted that the international community had an obligation to respect Serbia's internationally recognized territorial integrity. Kosovo Albanians, meanwhile, just as strongly insisted that they had the right to self-determination and would settle for nothing less than full independence. After nine months of talks, international mediators began publicly airing the possibility that they would have to devise their own solution for Kosovo's future status and ask the UN Security Council to impose the decision on the two parties. The outcome appeared likely to be some form of independence, although with a high degree of international supervision.

Political Rights and Civil Liberties

According to UNSCR 1244, ultimate authority within Kosovo resides with the UN special representative in the province, who is appointed by the UN secretary-general. The special representative, who also serves as chief of UNMIK, is responsible for implementing civilian aspects of the agreement ending the Kosovo conflict in 1999. Kosovo's government currently consists of what are called the Provisional Institutions of Self-Government, including a 120-seat Assembly whose members are popularly elected and serve three-year terms. Twenty seats in the Assembly are reserved for representatives of ethnic minorities. The Assembly elects a president, who also serves a three-year term. According to Kosovo's Constitutional Framework, the president nominates the prime minister, and parliament is required to approve the nomination.

Elections in Kosovo in the post-1999 period, organized by the international community, have been considered generally free and fair. However, given the large role played by international officials in the province's administration, the lack of freedom of movement for ethnic minorities in Kosovo, and problems related to the ability of women to participate in the political process, the actual level of democratization in Kosovo remains low. In the October 2004 parliamentary elections, 32 political parties or independent candidates participated, and 54 percent of the 1,300,000 eligible voters in Kosovo turned out. The elections were

marred, however, by the fact that 99 percent of the Serbs in Kosovo boycotted the elections. Local elections foreseen for 2006 were postponed by the Special Representative of the UN secretary-general for up to 12 months.

Throughout the post-1999 period, the main political parties in Kosovo have been late President Ibrahim Rugova's LDK, which enjoys 45 to 60 percent of the popular vote in general and municipal elections; the PDK, led by former KLA political leader Hashim Thaci, which garners 25 to 30 percent; and the AAK, led by former prime minister and KLA commander Ramush Haradinaj, which usually gains 7 to 8 percent. Kosovo's political system remained based on clan and regional ties, complicating the effort to create a stable, democratic government. The PDK, for instance, drew most of its support from the Drenica valley in north-central Kosovo, while the AAK got most of its votes in western Kosovo's Dukagjin area. Serbs, when they have chosen to participate in elections, have generally voted for an umbrella organization named the "Return Coalition," which usually captures 5 to 10 percent of the vote.

A major focus of the current effort to make progress on Kosovo's status is the transfer of authority in various governmental fields from UNMIK agencies to local institutions. Kosovo's civil service, however, is hampered by the fact that the various government ministries are divided among the main political parties, meaning appointments within the civil service often depend more on party connections than professional qualifications or competence. Administrative capacity at the municipal level is still weak both at the administrative and at the strategic planning level. The provisional institutions have set up an intergovernmental working group to develop a new public administration reform strategy to come into effect as of 2007. Meanwhile, Belgrade-sponsored parallel administrative structures continue to operate in most predominantly Kosovo-Serbian municipalities, including in the areas of justice, education, health care.

Corruption in Kosovo is widespread and considered to be at high levels even by regional standards. In October 2006, PDK President Hashim Thaci claimed that the threat to Kosovo society stemming from organized crime and the mafia was the biggest danger Kosovo faced. A poll released in November 2006 revealed that 82 percent of Kosovo's residents believed there was corruption in Kosovo's government, with the energy ministry being singled out as the most corrupt government institution.

Freedom of expression is limited because of the overall lack of security. Although a wide variety of print and electronic media operate in Kosovo, journalists report frequent harassment and intimidation. In a report on the performance of local media during the March 2004 violence, the Organization for Security and Cooperation in Europe noted that they had engaged in "reckless and sensationalist reporting," displayed "an unacceptable level of emotion, bias, and carelessness," and were deserving of "the strongest criticism." In March 2005, representatives of leading print media adopted a press code, and in October, the temporary media commissioner's office began to phase out its supervision of print publications. In June 2005, a journalist from the newspaper *Bota Sot* was shot in a drive-by shooting and subsequently died of his injuries. In a move reflecting a further transfer of competencies from international officials to local bodies, in August 2006, the UNMIK's temporary media commissioner was replaced by an Independent Media Commission, composed of five Kosovars and two internationals. There were no reports of government attempts to restrict access to

the internet.

The Albanian population in Kosovo, which is predominantly Muslim, on the whole enjoys freedom of belief and religious association, but there have been consistent, systematic attacks on Orthodox Christian churches and other holy sites associated with the Serb population. During the March 2004 violence, 30 Christian churches and monasteries were destroyed or damaged. Since NATO took control of Kosovo in 1999, roughly 130 churches and other properties belonging to the Serbian Orthodox Church have been destroyed or damaged. Over the past several years, Kosovo's small Protestant community has claimed that "Islamic extremists" were attending services so as to be able to identify worshippers and later harass them. There were also several reported incidents of attacks on Protestant places of worship.

While academic freedom has not been formally restricted, there are frequent complaints about the low academic standards and politicization of the University of Pristina. The University of Pristina operates under the authority of the provisional institutions, while Mitrovica University operates under the authority of Belgrade.

Freedom of assembly, especially in ethnic flashpoints such as the divided city of Mitrovica, is occasionally restricted by UNMIK and KFOR because of security concerns. Both domestic and foreign nongovernmental organizations generally function freely, although lack of donor funding in the past two years has forced a large number to cease operations. While current UNMIK regulations governing labor rights allow workers to join unions, there is no explicit right of association. Similarly, the law does not recognize the right to strike, but no attempts have been made to prevent workers from striking. A 2004 World Bank report claimed that the labor market functions in a virtually unregulated way, and in the absence of collective bargaining agreements, the market largely determines wages. The largest union in Kosovo, the Union of Independent Trade Unions (Albanian acronym—BSPK), claims to represent some 100,000 workers.

Kosovo lacks a functioning criminal justice system. A report issued in 2006 by Human Rights Watch noted that "rampant impunity for crime" is one of the greatest problems facing Kosovo, and a 2005 report by Kai Eide, special envoy of the UN secretary-general, said that the justice system is the weakest of the province's institutions. Courts at all levels of the system are subject to political influence and intimidation. Ethnic Albanian judges rarely prosecute cases involving Albanian attacks on non-Albanians, and the physical safety of non-Albanian judges brought into Kosovo to try cases is difficult to guarantee. Criminal suspects arrested under the UN special representative's power to order executive detentions are frequently released by local judges. According to the Eide report, "property rights [in Kosovo] are neither respected nor ensured." The backlog in the civil court system stands at several tens of thousands of cases. Some 17,000 cases involving property claims were backlogged in municipal courts as of 2005, and almost all were claims by Serbs. The breakdown of normal legal and judicial institutions has resulted in an increase in the number of murders attributable to blood feuds and vendettas, carried out in accordance with a medieval Albanian legal code known as the Kanun of Lek Dukagjini. Since 1999, about 40 murders have been attributed to blood feuds. Prison conditions in Kosovo are generally in line with international standards, although prison overcrowding remains a problem.

Several leading members of the former KLA are under investigation by the

International Criminal Tribunal for the former Yugoslavia (ICTY) for actions committed before, during, and after the NATO intervention. Testifying before the UN Security Council in June 2006, the chief prosecutor of the ICTY, Carla Del Ponte, in June 2006 claimed that UNMIK's level of cooperation with the ICTY is the worst of any government in the region. According to Del Ponte, "the UNMIK leadership is encouraging a climate which deters witnesses from talking to my investigators when it comes to Albanian perpetrators."

Freedom of movement continues to be a significant problem in Kosovo for ethnic minorities. In 2003, Amnesty International reported that non-Albanians in Kosovo "find themselves subjected to both direct and indirect discrimination when seeking access to basic civil, political, social, economic and cultural rights." UNMIK has done little to promote the return of some 220,000 people the UN High Commissioner for Refugees lists as displaced from Kosovo; the 2005 Eide report noted, "[T]he overall return process has come to a virtual halt." The position of Kosovo's non-Serb ethnic minorities is particularly difficult. Four seats in Kosovo's Parliament are reserved for non-Albanian and non-Serb ethnic communities such as Roma, Turks, Bosniaks, and Ashkali. As a rule, however, they generally do not get serious political support from Belgrade, and most Kosovo Albanians consider them to be Serb collaborators and frequently discriminate against them as such. In August 2006, the Commission of the European Communities reported that minority communities, mostly Serbs, face serious restrictions in freedom of movement, access to education, health care, public utilities, and social assistance due to the poor quality of services and security concerns.

In August 2006, the Commission of the European Communities reported that Kosovo is located on a heroin trafficking route, and consumption continues to increase. The same source noted that organized crime remains a serious problem in Kosovo, with criminal networks extending to various socio-economic sectors and into politics. Belgrade-sponsored parallel administrative structures regarding property registration cause legal uncertainty for property rights holders.

Gender inequality is a serious problem in Kosovo, as it is throughout the Balkans. Patriarchal societal attitudes often limit a woman's ability to gain an education or choose her own marriage partner, and women represent a disproportionately high percentage of the unemployed. In Kosovo's latest parliamentary elections, held in 2004, women won 29 percent of the seats, giving them 35 out of the 120 seats in the Kosovo parliament. As of 2005, and occupied 28 percent of all municipal assembly seats. Current election rules stipulate that women must occupy every third spot on each political party's candidate list. As of November 2006, women constituted 27 percent of the judges in Kosovo, and 20 percent of the prosecutors, and 14 percent of the Kosovo Police Corps. According to the results of a study published in 2004, only half of Kosovo women between the ages of 25 and 64 have received even basic elementary education. In some rural areas of Kosovo, this figure reaches only 10 percent. In May 2006, the Education Committee in Skenderaj municipality unanimously agreed to prohibit married women from receiving a secondary education because "they should be taking care of their husbands." Similarly, in many rural areas, women are effectively disenfranchised by "family voting," in which the male head of a household casts ballots for the entire family. Domestic violence is an area of serious concern.

Human trafficking is a major problem in Kosovo, which serves as a place of transit, a point of destination, and a source for women and children trafficked from Eastern

to Western Europe for the purpose of prostitution. The presence of a large international military force and of numerous international civilian agencies provides a relatively affluent clientele for the trafficking trade in the province. In August 2006, UNICEF reported that child trafficking in Kosovo was on the rise.